

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

NO. 3:17-cr-00063-TMB-DMS  
3:18-cr-00084-TMB-DMS

V.

## CHRISTOPHER BRANDON MILLER,

## JOINT STATUS REPORT

**Defendant.**

## INTRODUCTION

At a telephonic hearing on January 22, 2021, the Court directed the parties to file a status report due April 2, 2021. Yesterday the Court issued a general order requiring joint status reports in all pending criminal cases effective April 5, 2021. Accordingly the parties, plaintiff United States of America by and through counsel, Kyle Reardon and Emily Allen, and defendant Christopher Brandon Miller, by and through his current attorney, Cassandra L. Stamm, hereby submit this joint status memorandum.

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## STATUS REPORT

Since the telephonic hearing on January 22, 2021, Mr. Miller filed a motion to exclude evidence of his withdrawn plea of guilty at trial. The government has responded and this motion is pending.

Mr. Miller has also filed a motion to dismiss based on the recording and playback of his telephone calls with his former attorney in these cases, Chester Gilmore. The government's response is due tomorrow. The matter has been set for an in-person evidentiary hearing on April 19 and 20, 2021.

At a status hearing on March 25, 2021, the parties discussed the scope of this evidentiary hearing. Under *United States v. Danielson*, the Sixth Amendment issue raised by Mr. Miller involves a two-step analysis determining first whether the government has improperly interfered with the confidential relationship between attorney and client and second whether prejudice resulted. 325 F.3d 1054 (9<sup>th</sup> Cir. 2003). The hearing on April 19 and 20, 2021, will concern only the first of these issues. If the court determines there was an improper interference, an additional hearing may be necessary.

In terms of whether the court should prioritize these matters for trial, the factors identified by the Court are as follows:

(1.) Proximity of time served in-custody and presumptive guideline range. Mr. Miller has been in custody on the 2017 cause for approximately 46 months. As previously calculated by probation in their revised final presentence investigation report, Mr. Miller's presumptive guideline range on this cause is 63-78 months.

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(2.) Speedy Trial Act expiration. On January 22, 2021, the court set trial in these matters beginning on July 19, 2021, and found excludable delay under 18 U.S.C. § 3161(h)(7)(A & B).

(3.) Complexity of matter. The court has previously found the 2017 cause to be unusual and complex.

(4.) Ability for counsel to meaningfully interact with defendant in preparation of trial.

Mr. Miller is in the custody of the Alaska Department of Corrections. Alaska DOC only currently permits in-person attorney-client visits for federal pretrial detainees who are fully vaccinated. Current counsel for Mr. Miller has never been able to meet in-person with Mr. Miller to prepare for trial or for any other purpose.

(5.) Length of time in custody. Mr. Miller has been in federal custody for approximately 46 months.

(6.) Availability of counsel. Counsel for both Mr. Miller and the government are currently available for trial as currently scheduled in July 2021.

Signed this 1<sup>st</sup> day of April, 2021.

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 1, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the government and to counsel for the codefendant in the 2017 case.

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